

# **EXHIBIT D**

DECLARATION OF HAI ZHONG CHEN

I, Hai Zhong Chen, declare, upon personal knowledge and under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct.

1. I am Hai Zhong Chen, plaintiff in this case, and I consented to be a party.
2. I make this declaration in support of my motion for a default judgment, or for any other relevant motion filed by my lawyers.
3. I am fully familiar with the facts set forth herein, and I recite them on personal knowledge.
4. If I were called to testify at a hearing or at trial, I would testify to the facts in this document.
5. Alin Sushi is a Japanese restaurant based in New York City, located at 55-59 Chrystie Street.
6. I worked for Alin Sushi as a delivery person for approximately four months, from November 1, 2015 through March 8, 2016.
7. My boss was a man named Mr. Lin, who hired me, supervised me, told me my schedule, and paid me.
8. My regular schedule was to work five and a half days per week, with my usual day off being Wednesday.
9. I worked eleven hours on Monday and Thursday, 10½ hours on Tuesday and Friday, 9½ hours on Sunday, and 6 hours on Saturday; these figures do not include a one-hour meal break I had most days.
10. As a result, I worked around 57½ hours for Alin each week of my employment.
11. Because my schedule was regular, I know how many hours I worked, but Alin did not provide me with a time clock or a sign-in sheet or any other way to record my time worked.
12. I was paid a salary of \$1,300, once per month, and that amount did not change based on the exact amount of time I worked in any week or month.

13. My pay was by check, except for my last week's worth of work, when I was paid in cash. The checks that they gave me were regular business checks, not payroll checks, and did not come with paystubs. Copies of my checks are attached as Exhibit 1.
14. I also got tips when I made deliveries - I knew when I was hired that I would be receiving them - but nobody ever explained anything to me about a tip credit.
15. The tips that we got for making deliveries were pooled among the delivery people. Nobody at Alin tracked the tips I was receiving or kept a record of them.
16. I never received an overtime premium when I worked more than forty hours in a week, even though I was always working more than that.
17. I never got any bonus for working shifts longer than ten hours in a day, even though I was working shifts that lasted longer than that five days each week.
18. I never received any written notices about my pay rate or pay - not when I was hired or any other time - and I was never asked to sign any paper saying that I had received a notice like that.
19. My native language is Mandarin Chinese, but this document was translated for me from English to Mandarin Chinese before I signed it.
20. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: September 23rd, 2016

Hai zhong chen  
Hai Zhong Chen

# **EXHIBIT 1**

**ALIN SUSHI INC** 03-16  
5559 CHRYSSTIE ST  
SUITE R101  
NEW YORK, NY 10002-5042

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1-1387/260  
799

3/1/16

Date

CHECK ATTACHED

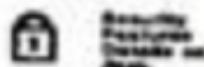
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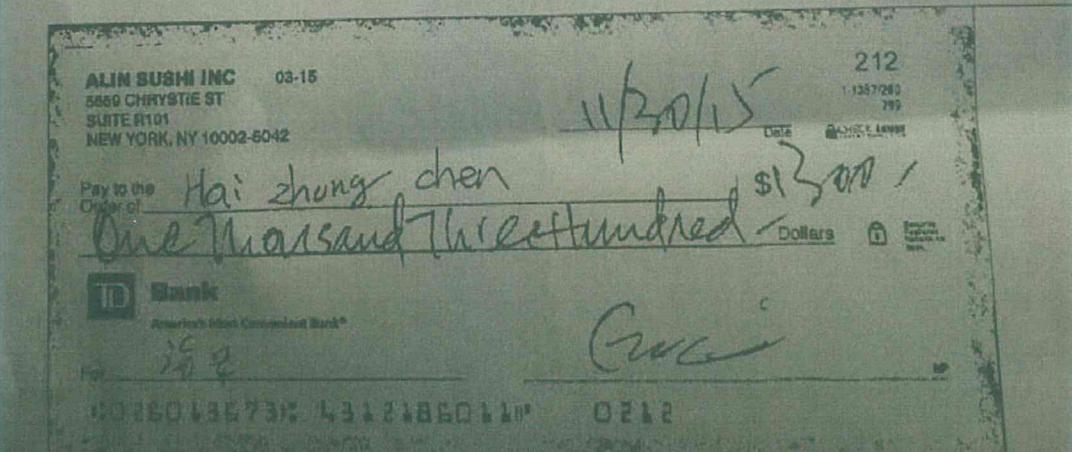
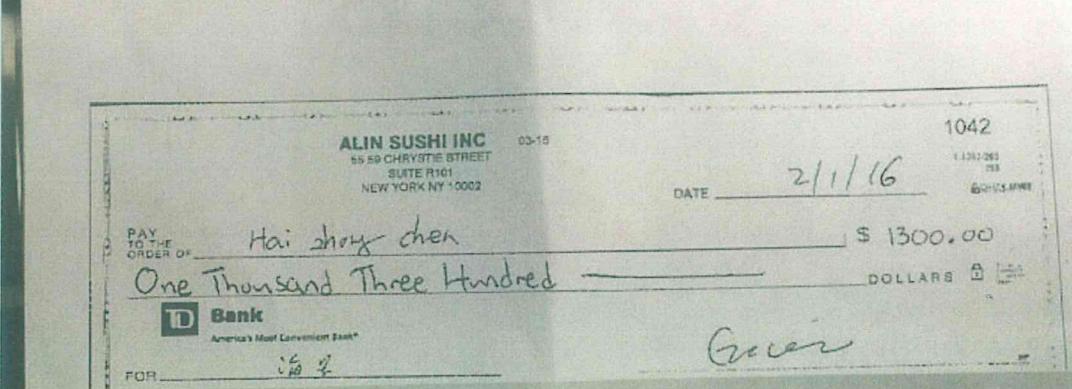
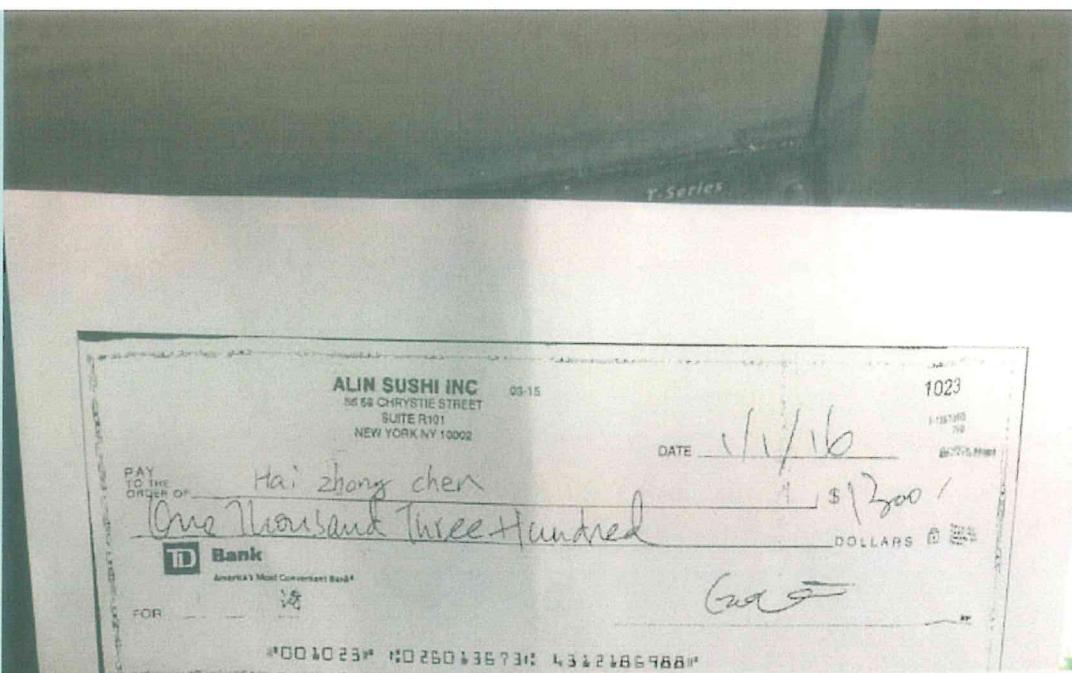
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DECLARATION OF VINCENT WONG

Pursuant to 29 U.S.C. § 1746, I, Vincent Wong, upon personal knowledge and under penalty of perjury, hereby declare that I am fluent in both English and Mandarin Chinese, that I reviewed the Declaration of Hai Zhong Chen and translated it for Mr. Chen before he signed it.

Dated: September 23<sup>rd</sup>, 2016



VINCENT WONG